

103^D CONGRESS
1ST SESSION

S. 1737

To establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish the Office of the Inspector General within the General Accounting Office, modify the procedure for congressional work requests for the General Accounting Office, establish a Peer Review Committee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “General Accounting
5 Office Oversight and Improvement Act of 1993”.

1 **TITLE I—INSPECTOR GENERAL**
2 **OF THE GENERAL ACCOUNT-**
3 **ING OFFICE**

4 **SEC. 101. ESTABLISHMENT OF INSPECTOR GENERAL.**

5 (a) IN GENERAL.—Chapter 7 of title 31, United
6 States Code, is amended—

7 (1) by redesignating section 704 as section 705;

8 and

9 (2) by inserting after section 703 the following
10 new section:

11 **“§ 704. Inspector general**

12 “(a) There is established the Office of Inspector Gen-
13 eral within the General Accounting Office.

14 “(b) The Inspector General shall be appointed and
15 perform his duties in accordance with the provisions of
16 section 8F of the Inspector General Act of 1978.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of sections for chapter 7 of title 31, United
19 States Code, is amended by striking out the item relating
20 to section 704 and inserting in lieu thereof the following:

“704. Inspector General.

“705. Relationship to other laws.”.

21 **SEC. 102. SPECIAL PROVISIONS CONCERNING THE GEN-**
22 **ERAL ACCOUNTING OFFICE.**

23 The Inspector General Act of 1978 (5 U.S.C. App.)
24 is amended—

1 (1) by redesignating sections 8E and 8F as sec-
 2 tions 8F and 8G, respectively;

3 (2) in section 8G (as redesignated by paragraph
 4 (1) of this section)—

5 (A) by striking out “8C, or 8D” and in-
 6 serting in lieu thereof “8C, 8D, or 8E”; and

7 (B) by striking out “section 8E(a)” and
 8 inserting in lieu thereof “section 8F(a)”;

9 (3) by inserting after section 8D the following
 10 new section:

11 “SPECIAL PROVISIONS CONCERNING THE GENERAL
 12 ACCOUNTING OFFICE

13 “SEC. 8E. (a)(1) For purposes of this section the
 14 term ‘Inspector General’ means the Inspector General of
 15 the Office of the Inspector General for the General Ac-
 16 counting Office established under section 704 of title 31,
 17 United States Code.

18 “(2) To the extent provided under section 705 of title
 19 31, United States Code—

20 “(A) the General Accounting Office shall be an
 21 establishment under this Act; and

22 “(B) the Comptroller General of the United
 23 States shall be the head of such establishment under
 24 this Act.

25 “(b)(1) Notwithstanding section 3 of this Act, the In-
 26 spector General—

1 “(A) shall be appointed jointly by—

2 “(i) the Majority Leader and Minority
3 Leader of the Senate; and

4 “(ii) the Speaker of the House of Rep-
5 resentatives and the Minority Leader of the
6 House of Representatives; and

7 “(B) may only be removed from office by a
8 joint resolution of Congress, after notice and an op-
9 portunity for a hearing, only for—

10 “(i) permanent disability;

11 “(ii) inefficiency;

12 “(iii) neglect of duty;

13 “(iv) malfeasance; or

14 “(v) a felony or conduct involving moral
15 turpitude.

16 “(2) An Inspector General removed from office under
17 paragraph (1)(B) may not be reappointed to the office.”;
18 and

19 (4) in section 11—

20 (A) in paragraph (1) by inserting “, and
21 the Comptroller General of the United States”
22 before “; as the case may be;” and

23 (B) in paragraph (2) by inserting “, and
24 the General Accounting Office” before “; as the
25 case may be”.

1 **SEC. 103. COMPENSATION.**

2 Section 5315 of title 5, United States Code, is
3 amended by adding at the end thereof the following:

4 “Inspector General, General Accounting Office.”.

5 **SEC. 104. REORGANIZATION WITHIN THE GENERAL AC-**
6 **COUNTING OFFICE.**

7 The Comptroller General may reorganize, consoli-
8 date, or terminate the Office of Special Investigations and
9 transfer or terminate any function of such Office consist-
10 ent with the provisions and amendments made by this title
11 to—

12 (1) eliminate the performance of any function
13 by the Office of Special Counsel, which shall be per-
14 formed by the Inspector General of the General Ac-
15 counting Office after the date of the enactment of
16 this Act; and

17 (2) provide for greater efficiency by the General
18 Accounting Office.

1 **TITLE II—GENERAL ACCOUNT-**
2 **ING OFFICE FINAL REPORTS**
3 **AND CONGRESSIONAL RE-**
4 **QUESTS FOR REPORTS**

5 **SEC. 201. FINAL REPORTS AND CONGRESSIONAL REQUESTS**
6 **FOR REPORTS.**

7 (a) IN GENERAL.—Chapter 7 of title 31, United
8 States Code, is amended by inserting after section 720 the
9 following new sections:

10 **“§ 721. Final reports**

11 “(a) For purposes of this section, the term ‘agency’
12 means a department, agency, or instrumentality of the
13 United States Government (except a mixed-ownership
14 Government corporation) or the District of Columbia
15 government.

16 “(b)(1) In addition to actions taken under section
17 718(b)(1), the Comptroller General shall provide an agen-
18 cy that is relevant to a report, an opportunity to review
19 any finding of the General Accounting Office in such re-
20 port before such report is final and released.

21 “(2) After providing the review made available under
22 paragraph (1), the Comptroller General shall include a
23 summary of the agency response as a part of the final
24 report.

1 “(c) To the greatest extent practicable consistent
2 with applicable law, the Comptroller General shall include
3 a list of all organizational contacts and sources of informa-
4 tion used in each final report.

5 “(d) If a Member of Congress requests the Comptrol-
6 ler General to withhold the release of a final report to any
7 person, the Comptroller General may release such report
8 no earlier than 7 days after the date on which such request
9 is received.

10 “(e) A final report may not be released, unless the
11 Comptroller General makes a written determination in-
12 cluded in such report that the General Accounting Office
13 has complied with all internal quality control procedures.

14 **“§ 722. Congressional requests for reports**

15 “(a) No later than 3 days after receiving a request
16 for a report—

17 “(1) from the chairman of a committee of the
18 Congress, the Comptroller General shall notify the
19 ranking member of such committee that such re-
20 quest was received; and

21 “(2) from the ranking minority member of a
22 committee of the Congress, the Comptroller General
23 shall notify the chairman of such committee that
24 such request was received.

1 “(b)(1) No later than 3 days after approving a re-
 2 quest to prepare a report for a Member of the Congress
 3 the Comptroller General shall—

4 “(A) notify the Majority Leader and the Minor-
 5 ity Leader of the Senate of such approval if the re-
 6 quester is a Senator; and

7 “(B) notify the Speaker of the House of Rep-
 8 resentatives and the Minority Leader of the House
 9 of Representatives of such approval if the requester
 10 is a Member of the House of Representatives.

11 “(2) The Comptroller General shall provide appro-
 12 priate notification for publication in the Congressional
 13 Record of all approvals of requests from Members of Con-
 14 gress to prepare reports. All such approvals shall be pub-
 15 lished in the Congressional Record.

16 “(c) The Comptroller General shall treat all requests
 17 from chairmen and ranking members of committees of the
 18 Congress on an equal basis.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of sections for chapter 7 of title 5, United States
 21 Code, is amended by inserting after the item relating to
 22 section 720 the following:

“721. Final reports.

“722. Congressional requests for reports.”.

1 **TITLE III—GENERAL ACCOUNT-**
2 **ING OFFICE PEER REVIEW**
3 **COMMITTEE**

4 **SEC. 301. ESTABLISHMENT OF GENERAL ACCOUNTING OF-**
5 **FICE PEER REVIEW COMMITTEE.**

6 There is established the General Accounting Office
7 Peer Review Committee (hereafter in this title referred to
8 as the “Committee”).

9 **SEC. 302. MEMBERSHIP.**

10 (a) APPOINTMENT.—(1) The members of the Com-
11 mittee shall be appointed by the Comptroller General of
12 the United States from a list of individuals jointly nomi-
13 nated by the Majority Leader and the Minority Leader
14 of the Senate, and a list of individuals jointly nominated
15 by the Speaker of the House of Representatives and the
16 Minority Leader of the House of Representatives.

17 (2) The Comptroller General shall designate one of
18 the members appointed under paragraph (1) to serve as
19 Chairman of the Committee.

20 (3) The Comptroller General shall appoint an appro-
21 priate individual to fill any vacancy which may occur on
22 the Committee.

23 (b) MEMBERS.—The Committee shall be composed of
24 no more than 15 members of whom—

1 (1) 2 members shall be Senators, who shall not
2 be members of the same political party;

3 (2) 2 members shall be Members of the House
4 of Representatives who shall not be members of the
5 same political party;

6 (3) 2 members shall be Inspectors General of
7 executive agencies;

8 (4) 2 members shall be individuals who are not
9 Federal officers or employees; and

10 (5) 7 members shall have experience or exper-
11 tise in Federal administrative policymaking, proce-
12 dure, and processes.

13 (c) EX OFFICIO MEMBER.—The Comptroller General
14 shall serve as a nonvoting ex officio member of the
15 Committee.

16 (d) COMPENSATION.—(1) No member of the Commit-
17 tee who is a Federal officer or employee shall receive com-
18 pensation for service to the Committee.

19 (2) Notwithstanding section 1342 of title 31, United
20 States Code, no member of the Committee who is not a
21 Federal officer or employee shall receive compensation for
22 service to the Committee.

23 (e) TRAVEL EXPENSES.—The members of the Com-
24 mittee who are not Federal officers and employees shall
25 be allowed travel expenses, including per diem in lieu of

1 subsistence, at rates authorized for employees of agencies
2 under subchapter I of chapter 57 of title 5, United States
3 Code, while away from their homes or regular places of
4 business in the performance of services for the Committee.

5 **SEC. 303. FUNCTIONS OF THE COMMITTEE.**

6 The Committee shall—

7 (1) recommend a formal process and standards
8 for review under which agencies, and affected parties
9 may appeal to the General Accounting Office to cor-
10 rect factual errors, and to reconsider findings con-
11 tained in General Accounting Office studies, audits,
12 investigations, and reports which are based on or
13 substantially influenced by erroneous information, or
14 previously unconsidered information;

15 (2) recommend procedures to notify the Con-
16 gress, the public, and the media of modifications or
17 retractions to studies, audits, investigations, and re-
18 ports following a review described under paragraph
19 (1);

20 (3) review policies and guidelines, and rec-
21 ommend improvements to eliminate inappropriate
22 advocacy of policy or the expression of unsubstan-
23 tiated conclusions within General Accounting Office
24 reports and testimony;

1 (4) recommend improvements to ensure that
2 General Accounting Office work product is fair, fac-
3 tual, unbiased, professional and consistent with the
4 purposes for which the General Accounting Office
5 was established;

6 (5) review the General Accounting Office's in-
7 ternal quality control procedures, including—

8 (A) Government Auditing Standards;

9 (B) the General Accounting Office's Com-
10 munications Manual;

11 (C) the General Accounting Office Policy
12 Procedures Manual; and

13 (D) the Post-Assignment Quality Review
14 System;

15 (6) recommend procedures for making the re-
16 quester of any service by the General Accounting Of-
17 fice to remain anonymous to the General Accounting
18 Office team members conducting and overseeing the
19 relevant investigation and reporting activities;

20 (7) review the General Accounting Office's poli-
21 cies and procedures, and make recommendations to
22 eliminate duplicative or superfluous auditing and in-
23 vestigative activities;

24 (8)(A) provide an estimate to the Congress on
25 the number of annual man-hours and costs incurred

1 by respondents to General Accounting Office audits;
2 and

3 (B) recommend policies, guidelines or proce-
4 dures to reduce compliance costs without adversely
5 affecting the necessary activities of General Account-
6 ing Office auditors or the quality of work product;
7 and

8 (9) make recommendations to the Comptroller
9 General and the Congress on measures to—

10 (A) improve professionalism, impartiality,
11 independence, and excellence within the General
12 Accounting Office;

13 (B) improve hiring practices, employee
14 training and morale, administrative structure
15 and policies; and

16 (C) further the purposes for which the
17 General Accounting Office was established.

18 **SEC. 304. IMPLEMENTATION OF RECOMMENDATIONS.**

19 (a) IN GENERAL.—To the greatest extent practicable
20 consistent with applicable law, the Comptroller General
21 shall implement the recommendations of the Committee
22 (including the establishment or modification of proce-
23 dures, guidelines, and standards).

1 (1) Upon the termination of the Committee the
2 Comptroller shall submit to Congress a report on the
3 recommendations made pursuant to this Act.

4 (b) NOTIFICATION TO THE CONGRESS.—No later
5 than 90 days after the date of the termination of the Com-
6 mittee, the Comptroller General shall notify the Majority
7 Leader and the Minority Leader of the Senate, and the
8 Speaker of the House of Representatives and the Minority
9 Leader of the House of Representatives of any Committee
10 recommendation that the Comptroller General is unable
11 to implement and the specific reason for such inability.

12 **SEC. 305. SUPPORT SERVICES.**

13 The General Accounting Office shall provide adminis-
14 trative and support services for the Committee.

15 **SEC. 306. FEDERAL ADVISORY COMMITTEE ACT.**

16 The provisions of the Federal Advisory Committee
17 Act (5 U.S.C. App.) shall not apply to the Committee.

18 **SEC. 307. TERMINATION OF COMMITTEE.**

19 The Committee shall terminate 1 year after the date
20 of the enactment of this Act.

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